

U.S. PTO Customer No. 25280

Case# 5668

REMARKS35 USC Section 102 Rejections:

Claims 7 and 32-34 were rejected under 35 USC 102(b) as being anticipated by Xiao et al. (US Patent No. 5,747,392).

The Examiner contends that Xiao teach fluorochemical components that are both repellent and soil release components. In support of this argument, the Examiner cites Xiao at column 10 (lines 11+) which recite that the fluorochemical provides water and stain resistance.

Applicants have amended claim 7, 24 and 25 to clarify that there are two separate fluorine-containing components within the composition of the present invention – a first fluorine-containing component and a second fluorine-containing component.

Applicants respectfully disagree with the Examiner's rejection and maintain the position that Xiao only teaches one fluorochemical component within its composition. Furthermore, Xiao fails to teach a fluorine-containing component which provides soil release properties to a textile substrate. Rather, Applicants respectfully contend that Xiao only teaches a coated fabric that, when exposed to liquid stains, allows the liquid to be repelled from the fabric, thereby providing a stain resistant fabric. "Stain resistance" (e.g. the ability to keep a stain from penetrating and settling into a fabric) is not the same as "soil release" (e.g. the ability to remove soil that has already penetrated and settled into a fabric). See, for instance, the very detailed description of the AATCC Test Method for stain release provided by Applicant on pages 12-19 of the specification.

U.S. PTO Customer No. 25280

Case# 5668

Accordingly, Applicants respectfully submit that Xiao fails to teach a composition comprising a first fluorine-containing component, a hydrophilic resin, a second fluorine-containing component, and a crosslinking agent. As such, the reference cannot be used as an anticipatory reference against Applicants' claims. Reconsideration and withdrawal of this rejection is earnestly requested.

35 USC Section 103 Rejections:

Claims 24-25 and 29-31 were rejected under 35 USC 103(a) as being unpatentable over Xiao et al. (US Patent No. 5,747,392).

Applicants have amended claims 7, 24 and 25 for clarification purposes to show that there are two separate fluorine-containing components in the composition. Claims 29-31 each depend either directly or indirectly from amended claim 7.

Applicants respectfully submit that a *prima facie* case of obviousness has not been established because the reference fails to disclose expressly claimed elements or limitations of Applicants' invention. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988).

Applicants respectfully submit that Xiao fails to teach a composition containing two separate fluorine-containing components, as claimed by Applicants. Thus, a *prima facie* case of obviousness has not been established. Reconsideration and withdrawal of this rejection is earnestly requested.

U.S. PTO Customer No. 25280

Case# 5668

Claims 7, 24-25 and 29-34 were rejected under 35 USC 103(a) as being unpatentable over Xiao et al. (US Patent No. 5,747,392).

Applicants have amended claims 7, 24 and 25 for clarification purposes to show that there are two separate fluorine-containing components in the composition. Claims 29-34 each depend either directly or indirectly from amended claim 7.

Applicants respectfully submit that a *prima facie* case of obviousness has not been established because the reference fails to disclose expressly claimed elements or limitations of Applicants' invention. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988).

Applicants respectfully submit that Xiao fails to teach a composition containing two separate fluorine-containing components, as claimed by Applicants. Thus, a *prima facie* case of obviousness has not been established. Reconsideration and withdrawal of this rejection is earnestly requested.

Claims 7 and 24-31 and 33-34 were rejected under 35 USC 103(a) as being unpatentable over Vogt et al. (US Patent No. 6,238,266) in view of Schmoyer (US Patent No. 4,014,857) or Lipowitz et al. (US Patent No. 4,207,071).

Applicants have amended claims 7, 24 and 25 for clarification purposes to show that there are two separate fluorine-containing components in the composition. Claims 26-31 and 33-34 each depend either directly or indirectly from amended claim 7.

Applicants respectfully submit that a *prima facie* case of obviousness has not been established because the combination of references fails to disclose expressly claimed elements

U.S. PTO Customer No. 25280

Case# 5668

or limitations of Applicants' claimed invention. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988).

Applicants respectfully submit that the combination of references, either Vogt and Schmoyer or Vogt and Lipowitz, fails to teach a composition containing two separate fluorine-containing components. In contrast to the Examiner's argument, Applicants respectfully submit that the primary reference fails to teach a composition that comprises two fluorine-containing components – one that provides repellent properties and one that provides soil release properties. Applicants respectfully contend that the secondary references, Schmoyer and Lipowitz, fail to overcome this deficiency. Thus, a *prima facie* case of obviousness has not been established. Reconsideration and withdrawal of this rejection is earnestly requested.

Conclusion:

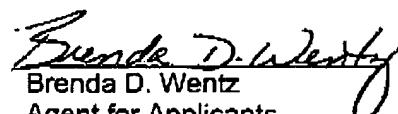
For the reasons set forth above, it is respectfully submitted that claims 7, 24 – 25, and 29 – 34 stand in condition for allowance. Should any issues remain after consideration of this Response and Amendment, the Examiner is invited and encouraged to telephone the undersigned in the hope that any such issue may be promptly and satisfactorily resolved.

In the event that there are additional fees associated with the submission of these papers, authorization is hereby provided to withdraw such fees from Deposit Account No. 04-0500.

Respectfully requested,

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